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DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-190987

DATE: January 31, 1978

MATTER OF: Capitol Communications, Inc.

DIGEST:

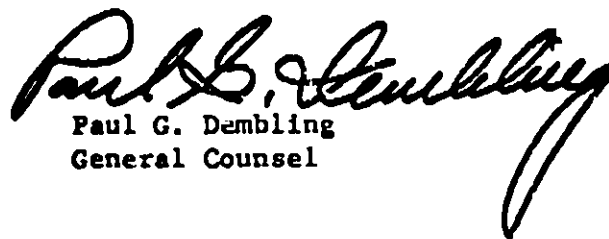
Protest concerning small business size status is not for consideration by General Accounting Office since conclusive authority to decide size status of concern is vested by statute in Small Business Administration.

The subject protest has been filed under invitation for bids (IFB) No. 10-0064-7, issued by the National Aeronautics and Space Administration (NASA) as a small business set-aside, alleging that the protester was improperly found not to be a small business.

We have been advised by NASA that Capitol Communications, Inc. (Capitol) was the low bidder, that the second low bidder protested Capitol's size status to the Small Business Administration's (SBA) Milwaukee Regional Office, which determined that Capitol was a small business, and that the SBA Size Appeal Board reversed the Regional office's decision and declared Capitol to be other than small business for this procurement.

Under 15 U.S.C. § 637(b)(6) (1970) the SBA is empowered to conclusively determine matters of small business size status for Federal procurement purposes, with the result that size status decisions of the SBA and its Size Appeal Board are not subject to review by this Office. Gibraltar Industries, Inc., B-187567, January 31, 1977, 77-1 CPD 78 and cases cited therein.

Accordingly, the protest is dismissed.


Paul G. Dembling
General Counsel